

strict secrecy all Party meetings generally are held on a secret basis (J.A. 848-850).

Meetings of national, state and regional committees and commissions of Respondent, as well as other trusted Party units, such as the highly concealed professional clubs, have been held on a clandestine basis (J.A. 429-430, 495, 694-695, 768-772, 824-825, 846-847). Members of the Ohio State Committee were criticized in July 1947 by Gus Hall, a high Party official, for having violated rules promulgated by the National Committee pertaining to concealment in attending meetings (J.A. 824-825). A CPUSA leader attended secret Party meetings held in Cleveland, Ohio, during 1948 and 1949. He was notified of the meetings by courier in Toledo, and upon arrival at Party headquarters in Cleveland he received final instructions as to the locations of the meetings (J.A. 846-849). A district committee met in Baltimore in March of 1949 under conditions of extreme concealment (J.A. 739-744). During 1949 and 1950, meetings of Party Commissions were held in places acquired in the names of non-existent groups, in order to conceal and mislead as to the identity of the parties meeting therein (J.A. 1024-1026).

Extraordinary care has been exercised during certain periods to conceal the actual meeting place and to restrict attendance at plenary sessions and executive board meetings of the CPUSA National Committee to only those selected members who had been given proper identification and credentials (J.A. 896-898, 974-975).

Respondent's schools have been conducted under varying degrees of secrecy. During periods of strict secrecy within the Party, including the periods of 1939 to 1941, and from 1948 to 1950, extraordinary precautions were taken to conceal the existence of these schools and the names of the trusted Party members selected to attend them. Students at Party schools have carried out instructions to observe stringent concealment regulations in order to preserve the secrecy shrouding the operation of these schools. As an example, both the Marxist Institute in Los Angeles, California, and the Marxist-Leninist Institute in Oakland, California, were so conducted in the summer of 1950 as to

conceal their existence and purpose. Students at the former school attended classes secretly at a changed location after the Korean hostilities had begun. The nature of the curriculum of these schools (see pp. 75-80, *supra*) clearly shows the illegal purpose behind the extensive measures adopted to conceal their existence (J.A. 685-688, 787-790, 847, 880, 1060-1061, 1063-1064).

Stringent concealment measures have accompanied the holding of conventions by the Respondent during periods of strict secrecy. Only the most trusted members of the Party have been permitted to attend such conventions. At the Massachusetts State Convention of the Communist Political Association held at Boston, Massachusetts, in 1945, and at the National Convention of the CPUSA at New York City in 1948, only those persons were admitted who could present proper credentials and, after elaborate security procedures, could establish their identity (J.A. 756-757, 893-896).

The location of the Ohio State Convention, held in December 1950, was not disclosed to the delegates for concealment reasons until shortly before the convention was held. Extensive precautions were taken to conceal the holding of a local convention in 1948 in Los Angeles. Like efforts surrounded the holding of the West Oakland (California) Section Convention in December 1950. Similar precautions surrounded a State Regional Convention of the CPUSA in California in January 1951. As at the other conventions held in California specified above, delegates to this January 1951 convention arrived at the convention hall in small groups after having been led there by a member who had been entrusted with knowledge of its location. The delegates remained at the hall during the entire session before being allowed to make their departure in small groups at intervals. Prior to departure the delegates were directed not to take a direct route home. On the following day, the second session of the convention was held at a different location under similar circumstances of secrecy (J.A. 1020-1021, 1065-1067, 1099-1104).

Thus, it is clear that throughout its history, Respondent,



for purposes of concealment and to promote its objectives, has held secret meetings restricted to trusted members.

#### **9. Reduction of Committee Membership for Security**

During the period of the Hitler-Stalin Pact, a period of strict secrecy, Respondent reduced the membership of its National Committee, state committees, and section committees for concealment purposes (J.A. 442-443, 702-704).

In 1948, the National Committee of Respondent issued a directive pursuant to which the size of all committees within the Party was reduced. In announcing this directive, Gus Hall, then Chairman of the Ohio Party, stated that the reduction of the State Committee of Ohio from approximately 50 odd members to about 11 members was being effected for "security" purposes (J.A. 810-811, 847-849). At the same time, the National Committee was reduced in number from about 55 to approximately a dozen members (J.A. 811, 1203-1204). At the National Convention of the CPUSA held in December 1950, the size of the National Committee was fixed at 13 members (Ex. 376, J.A. 1719).

Respondent thus strives to conceal its activities through limiting the number of persons having access to vital information by reducing the size of its leading committees during the periods of strict secrecy.

#### **10. Assignment of Members in Small Groups**

During the mid-1930's, when less extensive concealment measures were in force within the Party, its clubs had memberships which generally averaged from 12 to 20 members. A number of these clubs joined together in neighborhood or industry branches, to form units of from 50 to 100 members (J.A. 702-704). After the signing of the Hitler-Stalin Pact in 1939, Peters and Stachel, the former a Communist International representative and the latter a CPUSA leader, directed that a number of concealment measures be instituted, including the division of large branches of the Party into groups and the readying of the group system for functioning. Peters issued instruc-

tions to set up units of not more than five men with one man in charge, in preparation for the Party's going underground, and these instructions were substantially carried out (J.A. 428, 442-443, 702-704, 1155-1160). Units within the Party were enlarged after Hitler's attack on the Soviet Union in June 1941, in accord with the change which occurred on the political scene (J.A. 703).

Beginning in 1948, the CPUSA operated under conditions of strict secrecy, dividing the membership in its basic clubs throughout the United States, including those of professional people, into groups of about five members. Greater precautions were taken to conceal the meetings of the professional groups than theretofore. Instructions were issued to all groups that members should not communicate with others outside their own particular group. Names of members in other groups were never to be mentioned at group meetings. Communication between the groups and other CPUSA units were to be made through group captains directly to section leaders (J.A. 738, 771-772, 797, 849, 871-872, 891, 899-920, 1027, 1067-1069, 1095). However, members have met in somewhat larger bodies on a few occasions since the establishment of the group system beginning in 1948, e.g., in connection with conventions within the Party, even though these conventions were themselves held under circumstances of great secrecy as discussed heretofore. A tightening up of the concealment system, including a more efficient operation of the group system, was announced at the West Oakland Section Convention in California during December 1950. The record shows clearly that the group system continued to function after this date in connection with the strict concealment measures which have been employed by Respondent (J.A. 1096-1099; See also: J.A. 1103-1104). Respondent has thus formed members of its organization into smaller groups during periods of intense secrecy to conceal more effectively their identity and activities.



## 11. Underground Plans and Operation

Respondent has at all times maintained an underground or secret apparatus, even when the Party was operated on a comparatively open basis. The underground apparatus has been kept in readiness to assume leadership and to direct the functions of the Party during the periods when its leaders determine that underground operations are necessary in order to carry out Party activities. Extensive plans have been devised and great quantities of materials have been gathered in preparation for underground operations. Reserve sums of money have been set aside. Hide-outs and secret storage space have been acquired. Mimeograph and printing equipment and materials have been assembled in secret hiding places. Reserve officials have been designated to perform, if the situation so demands, as leading functionaries of the Party. As related above, the membership of Respondent at various times has been divided into groups of five or even fewer persons, and confidential mailing addresses, couriers, and other secret devices have been employed in connection with the preparations for underground activities. During periods when Respondent's activities have been conducted with greater secrecy, preparations for underground operations have been intensified correspondingly, along with a like increase in the employment of many of the secret practices described herein (J.A. 425-432, 661-665, 919-930, 1164-1168).

Respondent went underground for several years in the early 1920's maintaining a secret headquarters, holding secret meetings, and otherwise conducting its affairs on a secret basis. As its "legal" expression, it organized and dominated the Workers Party, an "open" organization consisting of both Party and non-Party members. The underground party was referred to as the No. 1 party while the "open" party, which the former controlled and dominated, was known as the No. 2 party. Pursuant to instructions received from the Communist International, the underground party was liquidated as such but the underground apparatus still remained. The "open" party, or Workers

Party, was merged with the underground party and thereafter adopted the name Communist Party of the United States of America (J.A. 217-220, 334-335).

During the remainder of the 1920's as well as in the 1930's, various steps were taken to maintain and to extend the underground apparatus, including the establishment of code systems. J. Peters, a Comintern representative, directed the underground apparatus in the United States during much of this period. At a secret CPUSA school in 1932, Peters instructed the underground members on the subject of illegal apparatus and its operation. His lectures were based upon a document in which the author, Lazar Kaganovich,<sup>1</sup> made suggestions based upon the experiences of the Bolsheviks under the Czarist regime in Russia. Peters returned to Hungary in 1949 by agreement with the Federal Immigration Authorities after a prolonged hearing following his arrest on a deportation warrant (J.A. 425-433, 456-458, 648-649, 664-665; see also: J.A. 872, 960-961, 989-991).

When the Party entered a period of strict secrecy after the signing of the Hitler-Stalin Pact in 1939, which continued until the invasion of the Soviet Union by Germany in June 1941, it undertook to strengthen the underground apparatus in preparation for taking the entire Party underground (J.A. 442-443, 702-704). Eugene Dennis, a high Party official, declared at a meeting of Party functionaries in late 1939 or early 1940, while the Soviet Union was an ally of Germany, that the secret measures then being placed into effect must be completely established and adhered to so that, if the United States joined Great Britain in the war against Hitler, the Party would be prepared to turn such an "imperialist" war into a civil war, as Lenin advocated. These measures were intended to place the Party on a complete war basis when put into effect. Various degrees of secrecy prevailed, some national leaders going partially underground (J.A. 1155-1160). After the attack by Germany on the Soviet Union, many of these measures were relaxed (J.A. 702-704).

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<sup>1</sup> Now a Deputy Premier of the Soviet Union.



During the 1930's, the World Travel Agency, of which Jacob Golos was for a period purportedly the head, arranged for visits of CPUSA members to the Soviet Union. Golos procured the tickets and expense money for such trips. In addition, Golos and the World Travel Agency were connected with a Soviet espionage agency during the period of 1936-1943. He acted as the liaison for communication between Respondent's members and the Soviet Secret Police agents operating in this country (J.A. 466-469, 1164-1166).

Extensive preparations for taking the Party underground were commenced in 1948 and are being carried out. Various measures were taken by the Party to strengthen its underground apparatus. By January 1950, Respondent had placed in effect throughout New York State a plan for the integration of about 10 percent, or about 3,000, of its members into a seven-level, vertical underground organization, known in the Party as "a system of threes" and patterned after the three-system of organization in effect in most of the countries in Europe when Communist parties there were underground. Thompson, a high Party official who has been convicted under the Smith Act, stated that this organizational setup was intended to function even if the Party as such should be declared illegal. In addition, portions of the New York State Party budgets for 1948 and 1949 were assigned to underground work (J.A. 898-900, 904-908, 929-932, 936).

Since 1948 and continuing on into early 1952, a large number of Party members have been severed from regular Party units and were either transferred to underground organizations, in order to assist in underground planning and to receive instructions in underground activities, or placed in a reserve leadership status (J.A. 1005-1011, 1015-1016, 1071-1086).

Hence the record shows that throughout Respondent's existence it has undertaken elaborate measures to maintain an underground apparatus which makes and executes plans and assembles materials for underground work as a means of effectuating Respondent's objectives.

## 12. Infiltration of Other Organizations

Respondent has sent its members into various organizations in the United States for the purpose of gaining control of such organizations and influencing the policies of these organizations to support the CPUSA program. This policy has been employed by Respondent throughout its history. Pursuant to Respondent's directives its members have pursued this infiltration policy with respect to professional organizations, cultural organizations, fraternal organizations and trade and industrial unions.<sup>1</sup> Secret Communist factions were planned or formed in these organizations for the ultimate purpose of obtaining control and making the policies of the organization subservient to those of Respondent. Students at Respondent's schools were taught the importance of infiltrating mass organizations as a means of acquiring mass support for the Party program. Party members designated to carry out infiltration work in mass organizations were instructed to use care not to expose the Party in these organizations. Members in such organizations were instructed to, and did, conceal their Party membership while in these organizations. At a regional party convention held in California in January 1951, speakers emphasized the need for Party members to infiltrate other organizations through which the purposes of the Party could be carried out (J.A. 246; Ex. 51, J.A. 1358; J.A. 351, 392-397, 493-494, 498, 790-791, 815-817, 1021-1022, 1042-1044, 1101-1104).

## 13. Purpose of Secret Practices

Respondent in its amended answer and through its witnesses acknowledges that it engages in certain clandestine practices, but it contends that such activity is not for the purpose of concealing foreign direction, domination or control. Respondent's witness Gates testified that such practices have "nothing whatsoever to do with concealing the views or the program of the Communist Party" and further that they are the response to repressive measures

<sup>1</sup> See pp. 125-132, *supra* for more detailed discussion of trade union activity.



taken against the Party and its members and are intended merely to "protect the constitutional rights of members of the Communist Party." (Amended Answer, p. 3, 18-20, J.A. 1216-1223).

It is patent that these secret practices are not adopted by Respondent for the purpose which it asserts. This conclusion is inevitable when the secret practices are examined in the light of the whole record and all the surrounding circumstances under which they were and are performed. A short recapitulation of pertinent evidence will demonstrate this.

The underlying philosophy of the Communist movement is contained in the doctrine of Marxism-Leninism, the real nature of which is described in other portions of these findings. Implicit therein are secrecy and concealment to effectuate attainment of its objectives. It is the aim of Respondent to bring about the dictatorship of the proletariat by violent means if necessary and to help the Soviet Union in the event of a war between that country and the United States (See pp. 215-233, *infra*). Members were taught in Party Schools that "there is no moral law for a Communist Party member except the success of that to which he has dedicated himself, that is to say, the classless society \* \* \*, no oath, no statement in court, no consideration of any kind can come before the question of whether it helps or hurts the Party \* \* \* they were to testify or to make affidavit or whatever it may be in accordance with the needs of the Party at that time and irrespective of the actual truth" (J.A. 701-702). Instances are shown wherein certain of Respondent's members swore falsely in court (J.A. 495-497); false statements were made by CPUSA members in passport applications (J.A. 1200); and a high Communist official, J. Peters, was hidden by members of Respondent from Government authorities who were seeking him in a deportation case (J.A. 963-965). It was basic in the *Theses and Statutes of the Third (Communist) International*, to which Respondent has adhered, that both open and secret nuclei be formed to carry on the work of propaganda and education under the control and discipline of the Central

Committee of the Party; and that members were required to join in unlawful work and unlawful organizations if necessary for the Party's purposes (Ex. 8, J.A. 1318-1332; J.A. 240, 333-334). In addition, the conspiratorial nature of the Party must be considered. Stalin in the pamphlet, *Stalin's Speeches on the American Communist Party* (May 1929), in discussing the disruptive effect of factionalism states: "as a result of which the whole internal life of our Party is robbed of its conspirative protection in the face of the class enemy," (underlining supplied). (Ex: 109, p. 29, J.A. 1425). There is also evidence that in the 1939 to 1941 period "the whole organization was on a conspiratorial basis" and the schools were conducted "in accordance with the rules of conspiracy" (J.A. 686-687). It was taught by Respondent in 1939 that "the purpose of this secrecy was to prevent the law enforcement agencies" from getting information concerning the CPUSA "because it destroys the conspiratorial nature of the Party movement itself" (J.A. 667-668).

In 1940, in order to conceal its true status registration statements were filed by the *Daily Worker* under the Foreign Agents Registration Act which falsely made it appear that it did not come within the provisions of that Act (J.A. 1191-1193; C.P. Exs. 70-75).

Secrecy and concealment have been continuous and have not been limited to the period when Respondent felt it was under particular stress. There was, however, a fluctuation in the degree of secret activity. Thus, during the period of the Hitler-Stalin Pact, Eugene Dennis stressed the underground activity of the CPUSA and the necessity for at-training readiness for civil uprisings in the event the United States joined the Allies against Germany (R. 14463-14467). After 1945, there was an intensification of secret practices. In July 1950, members were told that the world situation had created considerable alarm in Respondent and that consequently the Party was adopting stricter "security" measures (J.A. 1095). Shortly afterward, a reorganization took place for that reason; Respondent's clubs were divided into small groups and its members were identified by num-



bers instead of names (J.A. 1095-1096). The Marxist Institute in Los Angeles, California, and the Marxist-Leninist Institute in Oakland, California, were conducted during late 1949 and part of 1950, with great secrecy (J.A. 1092-1106). A regional convention was held in January 1951 in California, under conditions of extreme secrecy (J.A. 1101-1102). At this convention there were speeches on the so-called peace campaign, on world conditions and on the necessity for stricter security measures (J.A. 219-239, 302-303, 334-335, 493-495, 694-698, 762-763, 790-791, 800-801, 815-817, 828-829, 900-901, 1077-1080, 1087-1088, 1093, 1103-1104, 1155-1156).

Viewed against this background, it is established that such practices as secret memberships, hidden meetings of small groups, the acquisition of easily transported mimeograph machines, cryptically wording constitutions, the use of couriers and the restricted use of the mails and telephone, are not undertaken for the innocent purpose which Respondent seeks to ascribe to them. Nor can the infiltration of organizations, such as labor unions, be regarded as having a bona fide purpose. The evidence shows that the reason for such infiltration is to dominate such organizations for the Respondent's purposes. That this is basic can be seen from a book by Lenin entitled *What Is To Be Done*, which Respondent's members read and studied (J.A. 1014; Ex. 370, 416-424; see J.A. 1681, 1733, 1734-1736, 1744, 1754). In this book, Lenin declares that Trade Unions are "a very useful auxiliary to the political, agitational and revolutionary organizations" and that they can be controlled by "a small compact core" of agents "connected by all the rules of strict secrecy with the organizations of revolutionists (Ex. 417, pp. 109-112).

We conclude that the secret practices undertaken by Respondent are for the purpose of concealing the true nature of the Party and promoting its objectives. We cannot accept Respondent's contention that its secret practices are merely devices utilized to protect the rights and liberties of its members.

Upon the basis of the foregoing and on the whole record, we find that Respondent engages in extensive secret practices, within the meaning of the Act, for the purpose of promoting its objectives and thereby to advance those of the world Communist movement; and for concealing its direction, domination and control by the Soviet Union.

#### H. ALLEGIANCE.

Section 13 (e) (8) of the Act requires that the Board consider:

"the extent to which its [Respondent's] principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization."

The petition alleges:

"From 1918 to the date of the filing of this petition, the leaders of the Communist Party and a substantial number of its members have considered the allegiance they owe the United States as being subordinate to their loyalty and obligations to the government of the Soviet Union." (p. 16)

The petition further contains six specific allegations<sup>1</sup> which, if true, would show that Respondent's principal leaders and members consider the allegiance they owe the Soviet Union to be paramount to that owed the United States. Since the evidence of record which pertains to allegiance is broader in scope than Petitioner's specific allegations, we will not confine our findings of fact to the form of these specific allegations.

<sup>1</sup> These allegations are to the effect that the Soviet Union is the fatherland of the world Communist movement which all Communists are obligated to support and defend; the Red flag has been and is the flag to which Communists owe allegiance; all American Communists must support and defend the Soviet Union in war with any nation; in event of war between the United States and the Soviet Union, they must work for the defeat of the United States; some of Respondent's present leaders took an oath to Stalin at the Seventh World Congress of the Comintern; and, to leaders and members of Respondent, "patriotism" means solidarity with the Soviet Union.



The evidence shows that a basic aim of Marxism-Leninism is the establishment of dictatorships of the proletariat in all non-Socialist countries of the world, and that Respondent adheres to and works to attain this goal in the United States.<sup>1</sup> The Marxist-Leninist Classics define dictatorship of the proletariat and demonstrate that it must be established by the forceful overthrow of existing non-socialist governments.

Stalin in *Problem of Leninism* (Ex. 138, pp. 26-27, J. A. 1507-1508) defines the dictatorship of the proletariat according to its fundamentals:

"Hence there are three fundamental aspects of the dictatorship of the proletariat.

"(1) The utilisation (sic) of the power of the proletariat for the suppression of the exploiters, for the defense of the country, for the consolidation of the ties with the proletarians of other lands, and for the development and the victory of the revolution in all countries.

"(2) The utilisation of the power of the proletariat in order to detach the toiling and exploited masses once and for all from the bourgeoisie, to consolidate the alliance of the proletariat with these masses, to enlist these masses in the work of socialist construction, and to assure the state leadership of these masses by the proletariat.

"(3) The utilisation of the power of the proletariat for the organisation (sic) of socialism, for the abolition of classes, and for the transition to a society without classes, to a society without a state.

"The dictatorship of the proletariat is a combination of all three aspects. None of these three aspects can be advanced as the *sole* characteristic feature of the dictatorship of the proletariat. On the other hand, it is sufficient for but one of these three characteristic features to be absent, for the dictatorship of the proletariat to cease being a dictatorship in a capitalist environment. \* \* \*"

<sup>1</sup> See Marxism-Leninism, pp. 38-81, *supra*.

In the following quotation, Stalin, with Lenin's help, reveals that the dictatorship of the proletariat must be installed through use of force by Communist minorities, independently of the will of the majority of the population, and that attempting to utilize peaceful means to do so is not to be considered (J. A. 1504-1505):

"To think that such a revolution can be carried out peacefully within the frame work of bourgeois democracy, which is adapted to the domination of the bourgeoisie, means one of two things: It means either madness, and the loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution.

"It is necessary to insist on this all the more strongly, all the more categorically, since we are dealing with the proletarian revolution which has for the time being triumphed in only one country, a country surrounded by hostile capitalist countries, a country the bourgeoisie of which cannot fail to receive the support of international capital.

"That is why Lenin states that '... the liberation of the oppressed class is impossible not only without a violent revolution, *but also without the destruction of the apparatus of state power, which was created by the ruling class. . . .* (Collected Works, Vol. XXI, Book II, p. 155. Also *State and Revolution*, Little Lenin Library, p. 9)

"First let the majority of the population, while private property is still maintained, that is while the power and oppression of capital are maintained, declare itself for the party of the proletariat. Only then can it, and should it, take power. That is what is said by *petty-bourgeois democrats who call themselves "socialists" but are really the henchmen of the bourgeoisie.* [My italics.—J. S.]

"But we say: Let the revolutionary proletariat first overthrow the bourgeoisie, break the yoke of capital, break up the bourgeois state apparatus. Then the victorious proletariat will speedily gain the sympathy and support of the majority of the toiling non-proletarian masses by satisfying their wants at the expense of the exploiters. [My italics.—J. S.] (*Collected Work*, Vol. XXIV, p. 647, Russian edition.)

"In order to win the majority of the population to its side', Lenin continues, 'the proletariat must first



of all overthrow the bourgeoisie and seize state power and, secondly, it must introduce Soviet rule, smash to pieces the old state apparatus, and thus at one blow undermine the rule, authority and influence of the bourgeoisie and of the petty-bourgeois compromisers in the ranks of the non-proletarian toiling masses. Thirdly, the proletariat must *completely and finally destroy* the influence of the bourgeoisie and of the petty-toiling masses by the *revolutionary* satisfaction of their economic needs *at the expense of the exploiters.*" (*ibid*, pp. 20-21).

Stalin also emphasizes that it is false for Communists to consider that such a thing as "peaceful evolution" from "bourgeois democracy" into a "proletarian democracy" is possible (J. A. 1432-1433):

"Marx's qualifying phrase about the Continent gave the opportunists and Mensheviks of all countries a pretext for proclaiming that Marx had thus conceded the possibility of the peaceful evolution of bourgeois democracy into a proletarian democracy, at least in certain countries outside the European continent (England, America). Marx did in fact concede that possibility, and he had good grounds for conceding it in regard to England and America in the 'seventies of the last century, when monopoly capitalism and imperialism did not yet exist, and when these countries, owing to the special conditions of their development, had as yet no (sic) developed militarism and bureaucracy. That was the situation before the appearance of developed imperialism. But later, after a lapse of thirty or forty years, when the situation in these countries had radically changed, when imperialism had developed and had embraced all capitalist countries without exception, when militarism and bureaucracy had appeared in England and America also, when the special conditions for peaceful development in England and the United States had disappeared—then the qualification in regard to these countries necessarily could no longer hold good." (*Foundations of Leninism*, Ex. 121, p. 55).

The following quotation is a reaffirmation by Stalin of the necessity of overthrowing "bourgeois" governments by forcible means (J. A. 1434):

“Therefore, Lenin is right in saying:

“The proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and the substitution for it of a *new one* . . .” (*Selected Works*, Vol. VII, p. 124)” (*ibid*; at p. 56).

The foregoing is but an illustrative portion of the abundant utterances of the Classics relating to the nature and means of effectuation of the dictatorships of the proletariat throughout the world. They have not been taken out of context; they are embedded in the sense of these writings and mean what they say.

Although we have heretofore set forth under the heading “Marxism-Leninism” a review of the evidence and our finding that Respondent’s adherence to Marxism-Leninism has implicit in its complete subservience to the fundamental principles thereof—that the Classics are binding upon Respondent in all fundamentals; it is desirable, because of the principles and policies of the Classics concerning allegiance to the Soviet Union, and particularly the necessity for the overthrow of existing “imperialist” governments, including, *inter alia*, the United States, to summarize here, by way of review, some of the evidence establishing Respondent’s present adherence to the Classics.

In 1945, when Respondent reverted to the name Communist Party of the United States of America (maintaining the basic organizational form under which it presently operates), William Z. Foster announced to the membership, in substance, that the Classics assumed an even greater importance, and said that “as never before, we must train our Party in the fundamentals of Marxism-Leninism. (Ex. 372, p. 788). Alexander Trachtenberg in 1949 declared to a group of Respondent’s members meeting in Washington, D. C., that Party leaders must know the Classics and be able to apply their principles to any current situation at any time (J. A. 689-691, 748-749). Petitioner’s witness Matusow shows that in the Party the *Communist Manifesto*, though 100 years old, “is just as relevant today as it was in 1848 when it was written (J. A. 1057).” The Classics were in use by the Party, to Matusow’s knowledge, in De-



ember 1950 (J. A. 1048-1049). Marxism-Leninism, as embodied in the Classics, provided the basis of what Petitioner's witness Lautner taught and was taught at Respondent's National Training School (J. A. 943-947). The Classics were used in the Marxist-Leninist Institute in Los Angeles which Petitioner's witness Evans attended until it was discontinued in June 1950 (J. A. 1104-1106).

It is established that the above Classics have been used in study courses during the years 1945-1950, for use in teaching Respondent's members (Exs. 369, 393, 425, 427; J. A. 748, 1014-1015, 1048-1049).

A recent article by Alexander Bittelman, a CPUSA leader, states:

*"A theoretical contribution of Stalin which, like the Foundations of Leninism and his other theoretical works, ranks with the fundamental theoretical and philosophical works of Marx, Engels and Lenin, is the History of the Communist Party of the Soviet Union. The History is a fountainhead of Marxist-Leninist knowledge—theory, ideology, strategy, tactics, principles of organization. It is a guide to Marxist-Leninist action. It embodies the theoretical and programmatic positions of Marxism-Leninism."* *Political Affairs*, December 1949, Ex. 373, p. 8; J. A. 1695) (Underlining supplied)

The same highly placed author, in January 1952, states:

*"Lenin's teachings are triumphing because they are true. The teachings of Lenin, further developed by Stalin, demonstrate their creativeness and cogency in all the great progressive struggles of our day and epoch. Lenin's teachings inspire the actions of the vanguard fighters for peace and democracy. Peoples fighting for equal rights and national independence find their advance fighters and leaders guided by the teachings of Lenin, so brilliantly continued and further developed by Stalin. And the magnificent historic fight of our epoch—the fight for socialism, for Communism—whose grandeur overshadows all of the great previous achievements of mankind, crowning them with the realization of the noblest aspirations and dreams of the human race—this historic fight, we are proud to*

say, is guided by the teachings of Lenin and of his great continuer Stalin. It is led by parties of Marxism-Leninism, by Communist and Workers Parties." (*Political Affairs*, Ex. 489, p. 1).

In addition to the documentary evidence, it was established through the testimony of Petitioner's witnesses Gitlow, Kornfeder, Nowell, Crouch, Honig, Johnson, Meyer, Hidalgo, Matusow, and Budenz, among others, that the CPUSA in reality advocates the overthrow of the government of the United States by force and violence. The membership of the above witnesses in the CPUSA spanned the entire existence of the Party until January 1951. Their various positions therein ranged from high offices to rank and file Party membership. All were in a position to know whereof they spoke (J. A. 225-226, 232-233, 241-252, 298-299, 383-384, 387-389, 437-438, 462, 501, 649, 675-677, 729, 730-731, 872, 1054-1056, 1128-1235, 1270-1272, 1311-1312).

Respondent engaged in extensive cross-examination of these witnesses on their testimony concerning force and violence and also examined its own witnesses at some length on this subject, thus joining issue thereon.

In essence, Respondent's witnesses testified that the CPUSA does not seek to overthrow the government of the United States by forcible means but rather it seeks to establish its program by peaceful means within the framework of the United States Constitution; that "force and violence" as referred to by Respondent comes into play only in the event that the duly elected "socialist" government is subject to "counter revolutionary" force by the unseated capitalist monopolists; it then advocates meeting such an attempt by force to maintain their position. Respondent points to language in its 1945 and 1948 Constitutions (Exs. 329 and 374, respectively) which embraces the United States Constitution. On the other hand, Petitioner's witnesses establish that the principles of "scientific socialism, Marxism-Leninism", as used in Respondent's Constitution and other writings, have a definite meaning to



CPUSA members,<sup>1</sup> i.e., that the basic goal of Respondent, founded on the writings of Marx, Engels, Lenin and Stalin, namely, the establishment of the dictatorship of the proletariat, can be attained only by the violent shattering of the "bourgeois" state, and this includes the government of the United States.

It is established that such language in these Constitutions of Respondent, and other similar statements embracing the Bill of Rights and the United States Constitution, are irreconcilable with Marxist-Leninist principles, and are devices to clothe a conspiracy against the United States Government in the habiliments of legality. The testimony of Respondent's witnesses, as set forth above, is likewise rejected as being irreconcilable with the great weight of the evidence.

The testimony of Petitioner's witnesses establishes that, pursuant to the preachments of the Classics, the CPUSA seeks to overthrow the existing government in the United States, and its institutions, by forcible means, and to establish a dictatorship of the proletariat in proceeding to establish "socialism" (J. A. 946-948, 975-976, 979).<sup>2</sup>

We are also mindful that the evidence in this proceeding discloses, and we officially notice, that most of Respondent's foremost leaders, despite contentions like those made by Respondent in this proceeding, were recently convicted under the statute known as the Smith Act. (Title 18, Secs. 11 and 13, United States Code) of conspiring to teach and advocate the overthrow of the United States government by force and violence; and that the convictions of eleven such leaders which have been reviewed by the Supreme Court of the United States have been upheld (341 U. S. 494; Rehearing denied, 342 U. S. 842).

Respondent's adherence to and implementation of a concept requiring the overthrow of the United States Government by any means, including force and violence, is completely incompatible with, and the exact antithesis of,

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<sup>1</sup> See Secret Practices for further details re "protective language", pp. 197-198, *supra*.

<sup>2</sup> See Marxism-Leninism, pp. 38-81, *supra*.

allegiance to the United States. This becomes even more clear when we examine additional international aspects of Marxism-Leninism from which this concept flows.<sup>1</sup>

The Classics reveal that the requirement of paramount allegiance to the Soviet Union is but the natural corollary of the Soviet Union's position as leader of the world Communist movement and fatherland of the world proletariat. Consequently, the basic postulates of Marxism-Leninism, (a) protection of the Soviet Union, and (b) destruction of capitalist states and the establishment, ultimately, of world Communism, impinge directly upon allegiance. In the infancy of the Soviet Union, Lenin, as cited by Stalin in *Problems of Leninism* (Ex. 138, p. 19), evaluated its international position as involving inevitable clashes with imperialist states and proclaims the necessity for the Soviet Union to call forth the world revolution (J. A. 1503-1504):

“The second enormous difficulty was . . . the international question. If we were able to cope so easily with Kerensky's bands, if we so easily established our power, if the decree on the socialisation of the land and on workers' control, was secured without the slightest difficulty—if we obtained all this so easily it was only because for a brief space of time a fortunate combination of circumstances protected us from international imperialism. International imperialism, with all the might of its capital and its highly organized military technique, which represents a real force, a real fortress of international capital, could under no circumstances, under no possible conditions, live side by side with the Soviet republic, both because of its objective situation and because of the economic interests of the capitalist class which was incorporated in it, it could not do this because of commercial ties and of international financial relationships. A conflict is inevitable. This is the greatest difficulty of the Russian Revolution, its greatest historical problem: the necessity to solve international problems, the necessity to call forth the world revolution.” (*Collected Works*, Vol. XXII, pp. 315-317, Russian Edition.)

<sup>1</sup> See Marxism-Leninism, pp. 38-81, *supra*.



That protection and security of the Soviet Union is fundamental to the world Communist movement is clear from Stalin's statement (J. A. 1509-1510):

“The final victory of socialism is a complete guarantee against attempted intervention, and that means against restoration, for any serious attempt at restoration can take place only with support from outside, only with the support of international capital. Hence the support of our revolution by the workers of all countries, and still more the victory of these workers in at least several countries, is a necessary condition for completely guaranteeing the first victorious country against attempts at intervention and restoration, a necessary condition for the final victory of socialism.” (A quotation of Joseph Stalin cited by him in his *Problems of Leninism*, *supra*, at p. 64):

The Classics make it plain that the Soviet Union, fostering its own security, will work toward the destruction of capitalism by developing revolutions in all countries. Stalin quoting Lenin (J. A. 1431):

“Lenin expressed this thought in a nutshell when he said that the task of the victorious revolution is to do ‘the utmost possible in one country for the development, support and awakening of the revolution in all countries.’” (*Selected Works*, Vol. VII, p. 182)” (*Foundations of Leninism*, Pet. Ex. 121, p. 46).

Stalin elaborates on this international aspect in setting forth the “absolute law” of capitalist development and of world revolution (J. A. 1510):

“‘Uneven economic and political development is an absolute law of capitalism. Hence, the victory of socialism is possible, first in a few or even in one single capitalist country taken separately. The victorious proletariat of that country, having expropriated the capitalists and organized its own socialist production [my italics.—J. S.] would rise against the rest of the capitalist world, attract to itself the oppressed classes of other countries, raise revolts among them against the capitalists, and in the event of necessity, come out even with armed force against the exploiting classes

and their states.” (*Collected Works*, Vol. XVIXI, p. 272)” (*Problems of Leninism*, *supra*, at p. 69).

Stalin in *Foundations of Leninism* (Pet. Ex. 121, pp. 90-91) states in capsule form the strategy applicable to the various stages of the revolution, which depicts the Soviet Union as the “base” for the overthrow of “imperialism” (J. A. 1438):

“Our revolution already passed through 2 stages, and after the October Revolution it has entered a third stage. Our strategy changed accordingly.”

\* \* \*

“Third stage. Commenced after the October Revolution. Objective: to consolidate the dictatorship of the proletariat in one country, using it as a base for the overthrow of imperialism in all countries \* \* \*”

The hegemony exercised by the Soviet Union over the world Communist movement is that of originator and founder (J. A. 1430):

“Is it surprising, after all this, that a country which has accomplished such a revolution and possesses such a proletariat should have been the birthplace of the theory and tactics of the proletarian revolution?”

“Is it surprising that Lenin, the leader of this proletariat, became the creator of this theory and tactics and the leader of the international proletariat?” (*Ibid.*, p. 19)

The leadership of the Soviet Union is openly lauded in the *Programme of the Communist International* (Ex. 125, p. 27, J. A. 1448-1449):

“Thus, the system of world imperialism, and with it the partial stabilization of capitalism, is being corroded from various causes: First, the antagonisms and conflicts between the imperialist states: \* \* \* and lastly, the hegemony exercised over the whole world revolutionary movement by the proletarian dictatorship in the U. S. S. R. The international revolution is developing.”

(J. A. 1453-1454):

“In view of the fact that the U. S. S. R. is the only



principal bulwark of its achievements and the most important factor for its international emancipation, the international proletariat must on its part facilitate the success of the work of Socialist construction in the U. S. S. R. and defend her against the attacks of the capitalist powers by all the means in its power." (*Ibid.*, p. 65).

The Soviet Union being the fatherland or home base of the world revolution, the leaders of the Soviet Union serve also as leaders of the organized world Communist movement. Hence, the Communist International, the Soviet Union, and Stalin were given pledges of allegiance by Respondent's leaders and members as shown by the evidence which we now set forth.

Nowell, a former CPUSA official who testified for the Petitioner in this proceeding, took an oath upon joining the CPUSA (in 1929) to carry out the Party line and to adhere to the principles of the Comintern at all times (J. A. 352).

Earl Browder read a pledge to 2,000 workers who were initiated into the CPUSA in the New York District in 1935. Part of this pledge read as follows (J. A. 1541):

"I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism. I pledge myself to remain at all times a vigilant and firm defender of the Leninist line of the Party, the only line that insures the triumph of Soviet Power in the United States." (Ex. 145, p. 105).

At Madison Square Garden in New York City in 1937, about 3,000 new recruits to the Party pledged, among other things, to uphold and advance the program of the Communist Party, as well as their "complete devotion to the Leninist struggle for socialism—for a Soviet America". (Ex. 382).

At the Seventh World Congress of the Communist International at Moscow in 1935, delegates from the CPUSA, including some of the present leaders of the Party, took an oath of fealty, "To Comrade Stalin, leader, teacher, and friend of the proletariat and oppressed of the whole

world" whom they assured that "the Communists will always and everywhere be faithful to the end and to the great and invincible banner of Marx, Engels, Lenin, and Stalin" and that "under this banner, Communism will triumph throughout the world". (Ex. 430; J. A. 500, 1115-1116, 1759-1762).

The delegation of Respondent to this Congress approved this oath of fealty to Stalin and two of the delegates, Browder and Foster, were elected at this Congress to the Presidium of the Executive Committee of the Communist International. Subsequently, the decisions of the Seventh Congress of the Communist International and the work of the CPUSA delegation at that Congress were fully approved by the Central Committee of Respondent (Ex. 185, J. A. 1567-1572).

Of the nine members of the delegation to the Seventh World Congress of the Communist International who took and approved this oath to "Comrade Stalin", six, namely, William Z. Foster (National Chairman), John Williamson (Labor Secretary), Gilbert Green, Jack Stachel, William Schneiderman, and Martha Stone, are presently leaders of the CPUSA. At the 15th National Convention of the CPUSA, held between December 28-31, 1950, the Party elected these six members or alternate members of its National Committee.

After this 1935 Congress of the Communist International, all Communist leaders and functionaries had to take a basic pledge or oath of loyalty to Stalin (R. 13956).

Foster, as the principal speaker at the 1948 Ohio State Convention of Respondent, stated that the CPUSA in Ohio should elect as leaders only those individuals upon whom they could depend in the event of a war between the Soviet Union and the United States (J. A. 854).

In 1949, the CPUSA published a message to Stalin in which the Party accused the United States Government of violating the commitments made at Yalta and at Potsdam and referred to the existing government as "American imperialists". This message, in effect, constituted a reaffirmation by the CPUSA of its loyalty and a further ac-



knowledge of stalin's leadership of the world-wide Communist movement<sup>1</sup> (Ex. 375; J. A. 976, 1706-1707).

Twelve of the thirteen members of the National Committee of the CPUSA, who were elected at the 15th National Convention of the Party held December 28-31, 1950, and three of the alternates have been convicted under the Smith Act as heretofore noted (Exs. 376, 493; J. A. 1719, 1782-1783). Four of those convicted, namely, Williamson, Green, Schneiderman, and Stachel, were among those leaders of Respondent who took an oath of fealty to Stalin at the Seventh World Congress of the Communist International at Moscow in 1935. The record does not disclose that any of these CPUSA leaders who have taken oaths of fealty to Stalin have ever repudiated the oaths, or that Respondent has repudiated their action.

That the allegiance owed the Soviet Union by Respondent's leaders and members is paramount to that owed the United States is further borne out by the record. The evidence establishes numerous instances in the past where Respondent and its leaders have urged its members to defend the Soviet Union, even in the event of a war between that country and the United States of America. The slogan "Defend the Soviet Union", has been used in this regard (Exs. 44, 132, 133, 135, 136, 137, 143, 144, 145, 148, 149, 155, 158A, 159, 160, 162, 343, 380A, B and C).

Respondent's students at the Lenin School in Moscow, in the period between 1927 and 1937, were taught that the role of the CPUSA, in the event of war between the Soviet Union and the United States, is to support and defend the former and to labor for the defeat of the latter (J. A. 308-308, 389-391).

Early in its history, the CPUSA regarded as one of its purposes or duties the defense of the Soviet Union as the fatherland of the working classes all over the world (J. A. 225; Exs. 89, 125, 132, 133, 137, 143, 145, 148, 149, 158A, 363, 432). All new members of Respondent were instructed between 1927 and 1939, that the first and only allegiance of

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<sup>1</sup> See Training and Reporting, pp. 163-181, *supra*.

a Party member is to the workers' fatherland, namely, the Soviet Union, and not to any capitalist government (J. A. 499-500).

A Red flag, brought from Moscow in 1929 by one of Respondent's members, was displayed at lectures on the Soviet Union. The use of the flag of the Soviet Union at a Communist camp in Michigan during the early 1930's, and up to 1936, was intended to signify the fatherland of the working class, or Communism as practiced in the Soviet Union, as well as to make friends for the Soviet Union, and to draw the American people nearer to Communist ideology and the CPUSA (J. A. 354-358).

Two members of Respondent's Central Committee criticized a Party official for authorizing the flying of the American flag in a Fourth of July parade in 1934 (J. A. 435-436).

In 1935, Dimitri Z. Manuisky, then head of the Communist International, told Respondent's delegates to the Seventh World Congress of the Communist International in Moscow, at a meeting immediately prior thereto, that the first allegiance of all CPUSA members was to the workers' fatherland, the Soviet Union. Manuisky demanded that the subject of allegiance again be stressed throughout the lower ranks of Respondent (J. A. 499-500). Students at Respondent's schools in the United States, particularly in 1932 and 1936 to 1941, were taught that the first and only allegiance of a Party member is to the Soviet Union, the fatherland, rather than to the United States (J. A. 436-437, 650-652, 704).

A document in which the defense of the Soviet Union is urged, *The Communist Party: A Manual On Organization* by J. Peters, was used during the 1940's as reference material by CPUSA officials (Ex 145; J. A. 1533-1543; J. A. 398-399, 454-455, 960-961, 963, 1121).

Students at the Communist Midwest Training School in Chicago were taught in December 1945, that the Communist forces throughout the world owe their allegiance to the Soviet Union (J. A. 852-854). Party members were taught at Respondent's meetings in 1948 that they owe allegiance



to the "democratic forces" of the world and that the Soviet Union represents such forces (J. A. 811-812).

Petitioner's witness Lautner, a former high official of Respondent, learned from his varied experience in the Party from November 1929 until January 17, 1950, that the primary duty of a CPUSA member lies in the defense of the Soviet Union (J. A. 974). A CPUSA leader in November 1950 denounced the United States for inciting war against the Soviet Union. He urged Party members to respond to "imperialist slanders and war incitements" by an "ideological and political offensive in the defense of the Soviet Union as the leader of the world camp of peace, democracy and Socialism", as well as "to support and defend the peace policy of the Soviet Union" (Ex. 477).

This evidence takes on clearer meaning when it is viewed against the Marxist-Leninist concept of "imperialism", and its corollary "just and unjust wars".<sup>1</sup>

The Classics are specific on the question of war as is exemplified by the following quotations from the *History of the Communist Party of the Soviet Union (Bolsheviks)* (Ex. 330, pp. 167-168; J. A. 1619):

"It was not to *every kind* of war that the Bolsheviks were opposed. They were only opposed to wars of conquest, imperialist wars. The Bolsheviks held that there are two kinds of war:

"a) *Just* wars, wars that are not wars of conquest but wars of liberation, waged to defend the people from foreign attack and from attempts to enslave them, or to liberate the people from capitalist slavery, or, lastly, to liberate colonies and dependent countries from the yoke of imperialism; and

"b) *Unjust* wars, wars of conquest, waged to conquer and enslave foreign countries and foreign nations.

"Wars of the first kind the Bolsheviks supported. As to wars of the second kind, the Bolsheviks maintained that a resolute struggle must be waged against them to the point of revolution and the overthrow of one's own imperialist government."

<sup>1</sup> See Marxism-Leninism, pp. 38-81, *supra*.

In applying this basic concept, it was taught at the Lenin School in Moscow, and by Respondent at its schools and meetings during its entire existence, that a "just" war is any war in which the Soviet Union has as an adversary an imperialist power, regardless of whether the Soviet Union is the aggressor or the defender; and that any war between a colony and its mother country is a "just" war for the colony. Conversely, any war against the Soviet Union, regardless of which nation might be the aggressor, is an "unjust" war for the Soviet Union's adversary (J. A. 389-390, 1114).

In the event of war between two capitalist countries, the Communist role is to work for the destruction of both, thus leaving to the Soviet Union a clear path for future conquest.<sup>1</sup> In the event of a war between the Soviet Union and the United States, however, CPUSA members are to work for the defeat of the United States (J. A. 731-732, 948-949; Ex. 292; J. A. 1597-1600).

The students at the National Training School of the CPUSA in New York City in about 1932, were taught that in the event of such a war, it was the duty of every Communist to help defeat the United States and to secure the victory of the Soviet Red Army; and that Communist cells in the American armed forces should work for the demoralization of such forces (J. A. 651-653).

Browder stated in 1938, that in the event of a war between the Communist and non-Communist worlds, the task of the Party is to work for the victory of the Soviet Union, and world Communism (J. A. 436).

The CPUSA, adhering to the principles of Marxism-Leninism, has consistently characterized the United States as an "imperialist" and a "capitalist" nation which by definition can participate only in "unjust" wars. Any war among capitalist countries or by a capitalist nation against a "socialist" country, such as the Soviet Union, is considered by Respondent to be an "unjust" war. However, the Soviet Union or any other "socialist" countries are up-

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<sup>1</sup> It is interesting to advert here to the history of the Nazi-Soviet Pact as related in our findings herein under Non-deviation, pp. 151-153, *supra*.



held as "anti-imperialist" nations which cannot possibly start an "unjust" war; any war participated in by "socialist" nations is considered by Respondent to be a "just" war from the standpoint of such nations. In fact, in 1949, Foster and Dennis, leaders of Respondent, wrote in the Party publication, *Daily Worker*, that Respondent would oppose a "Wall Street" war as "unjust, aggressive, and imperialist". Thus, the war in Korea is considered by Respondent to be a "Wall Street" war. In this connection, the United States has been portrayed by Respondent as the leader of all the imperialist nations bent on world conquest, while the Soviet Union is pictured as the peace-loving leader of the anti-imperialist nations (Exs. 323, 331; J. A. 389-391).

In 1940, Eugene Dennis discussed with witness Budenz the steps to be taken by Respondent to turn the "imperialist" war into a civil war in this country, should the United States join with Great Britain against the Hitler-Stalin combine (J. A. 1178-1180).

Students were taught in CPUSA schools in 1941 and 1947, that imperialism is world-wide and that a world-wide organization is necessary to bring about its downfall; further, that the world Communist movement is such an organization (J. A. 946-948).

In December 1948, Henry Winston, National Organizational Secretary and a member of Respondent's National Committee, stated that the question of industrial concentration and placing of members of the CPUSA youth movement in the basic industries was particularly important at that time because, in the event of an "imperialist" war, their presence would be necessary in order to mobilize workers against this war, to slow down production, and to do whatever possible to make certain that such an "unjust" war is not successful. Winston is one of those convicted of a violation of the Smith Act, referred to earlier (Ex. 418; J. A. 1039-1042, 17-40-1743).

The position the CPUSA stressed in 1949<sup>1</sup> was that there

<sup>1</sup> See also Imperialism re this position of Respondent, pp. 90-91, *supra*.

were two camps in the world: one, the "imperialist" camp led by the United States, and the other camp of the "forces for peace and democracy" led by the Soviet Union; and, that everything must be done to support the latter as against the former. In order to accomplish this objective, Respondent took the position that it should build and expand its Marxist-Leninist ideology (Ex. 214, p. 10; J. A. 977-978).

At a secret meeting of Respondent in Baltimore in 1949, it was agreed that its members would not bear arms for the United States in the event of any conflict between the United States and the Soviet Union (J. A. 744-745; Exs. 331 to 344, incl.).

Students at the Marxist-Leninist Institute in Los Angeles from April 1949 to June 1950, were taught that the Soviet Union could at no time start an "unjust" war while the United States could start an "unjust" war but never a "just" one; further, that a good Communist must support a nation engaging in a "just" war and oppose an "unjust" war (J. A. 1111-1112).

The position of the CPUSA at the present time is that the Korean War is an "unjust" war which the United States and her allies are waging as aggressors against the North Korean and Chinese peoples<sup>1</sup> (J. A. 1112-1113).

From the evidence contained in this record, we find that Respondent exists in this country fundamentally for the purpose, which it constantly seeks to accomplish, of overthrowing the Government of the United States by force and violence, in order to install "socialism" under the dictatorship of the proletariat, after the manner of the Soviet Union; this is the very antithesis of allegiance to the United States.

We find upon the whole record that the evidence preponderantly establishes that Respondent's leaders and its members consider the allegiance they owe to the United States as subordinate to their loyalty and obligations to the Soviet Union.

<sup>1</sup> See Non-deviation, p. 155, *supra*.



## II. LEGAL DISCUSSION.

Respondent attacks the Recommended Decision asserting it does not fulfill its functions, and that it cannot be relied upon by the Board because it allegedly misstates the record, fails to present relevant matters, and confuses the record and issues. Respondent sets forth specific instances which it contends are illustrative of the above alleged errors.

We have heretofore reviewed these matters, along with Respondent's overall exception to the Recommended Decision (No. 310), in disposing of its motion of November 24, 1952, to strike the Decision. As indicated in our Memorandum Opinion and Order of February 24, 1953, denying Respondent's motion, we have completely analyzed and evaluated anew all the evidence in this proceeding, considering all exceptions and contentions of the Parties. Our findings in this report contain only that substance from the Recommended Decision, which we, after an independent evaluation of the record, have confirmed as being supported by a preponderance of the evidence.

Respondent next contends that the Panel admitted both oral and documentary evidence of Petitioner without a proper foundation of competency. It cites examples which it claims are egregious. Respondent argues that while allowing boundless latitude to Petitioner, the Panel erroneously curtailed its cross-examination of all of Petitioner's witnesses, as well as the submission of its proof. It asserts that the Panel erred in refusing to require production of reports and memoranda turned over to the Federal Bureau of Investigation by Petitioner's witnesses, in restricting its cross-examination designed to show that Petitioner's witnesses were not credible, in excluding "various" exhibits offered by Respondent, and in its rulings regarding the evidence relating to the non-deviation criterion of the Act.<sup>1</sup> We have considered each of these specific allegations and we find no substantive error regarding the matters alleged

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<sup>1</sup> We have disposed of this latter contention in our discussion concerning Non-deviation, pp. 147-151, *supra*.

by Respondent. Nor can we find any reasonable justification for Respondent's assertion that the Panel restricted its proof and its cross-examination of witnesses. It is noteworthy that Respondent cross-examined Petitioner's witnesses exhaustively and at great length. It was afforded every opportunity to present all material and relevant evidence, to the fullest. Any shortcomings in this respect must lie with Respondent.

Respondent further contends that the Recommended Decision does not rest on evidence of its activities subsequent to the effective date of the Act, but rather that it rests on certain "props" which assertedly are contrary to the evidence and the law. Respondent defines these "props" as the Panel's suggestion that the dissolution of the Comintern in 1943 was not real and that there is some relationship between Respondent and the Cominform; the Panel's conception (a) of Marxism-Leninism, (b) of the Comintern, (c) that Respondent's disaffiliation therefrom in 1940 was not real, and (d) that the formation of the Communist Political Association and the re-constitution of the CPUSA were on orders from Moscow.

Specifically with respect to the Panel's concept of Marxism-Leninism and its reliance thereon, Respondent argues that the decision in *Schneiderman v. United States*, 320 U. S. 118, "held that the principles of Marxism-Leninism, as expressed in classical Marxist-Leninist literature, could reasonably be understood so as to be consistent with being 'attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.'" Further, it contends that it is a violation of the First Amendment and the holding in *Dennis v. United States*, 339 U. S. 162, to consider as evidence of "guilt" under the Act the belief in, or discussion of, Marxist-Leninist principles and literature (p. 57). After due study and deliberation of the foregoing decisions we conclude that they are in no sense *res judicata* of, or applicable to, the issues in this proceeding, nor do they in any way preclude the findings and disposition we have made herein. After consideration of these decisions we made detailed findings



regarding Marxism-Leninism, which have been set forth above; they are based upon a preponderance of the evidence of record and we deem it unnecessary to discuss them further. Respondent's position with respect to the so-called "props" of the Recommended Decision is untenable. We have, however, considered these propositions and to the extent, and in the form, they appear in our findings in this report they are not subject to the infirmities alleged.

Respondent has repeatedly urged that the issue of whether it is a Communist-action organization must be resolved by evidence of its activities and status during the period between the effective date of the Act (September 23, 1950), and the date of the petition (November 23, 1950). Proceeding on this basis, it has continually attacked the reception and use of evidence pertaining to its activities and status prior to the Act. Initially, it raised the question concerning pre-Act evidence in its motion to dismiss the petition. In disposing of this contention we ruled in our Memorandum Opinion and Order of January 24, 1951, denying the motion, that evidence of conduct or activities which occurred prior to the passage of the Act may be of probative value to establish issues coming into existence after the effective date of the Act and, if so, could be received. Respondent now argues that the Panel, in its Recommended Decision, while giving "lip service" to the Board's ruling, completely "negatives" it by relying on a legal presumption of continuation of a condition. Respondent further argues that no such legal presumption exists when, as here, there has been a change of law (enactment of the Act) which attaches sanction to previously innocent conduct. It stresses that, if such a presumption existed, it was nevertheless "illegitimate" for the Panel to rely thereon in the face of the uncontradicted testimony of its witnesses. It further argues in this connection that the use of pre-Act evidence by the Panel amounted to an unconstitutional "*ex post facto*" application of the Act and was contrary to its provisions.

As is apparent, evidence relating to periods throughout Respondent's entire history has been received and properly

so under our aforementioned ruling on this point. In order to resolve the issues presented here, it is advisable, if not necessary, to consider Respondent's entire existence.

In reaching our conclusion herein we have considered and weighed commensurately, therefore, such pre-Act evidence as reasonably tends to establish or illuminate to the present nature, activities, character and status of Respondent in connection with the issues presented for decision. We believe that in so doing there has been no violation of the Act itself or any *ex post facto* or other unconstitutional application thereof. As the Supreme Court of the United States has stated: "present events have roots in the past." This is particularly true in this proceeding where consideration thereof brought to light facts, and raised presumptions and inferences tending to show Respondent's true current purpose, as well as the nature of its present conduct. We have been able to trace Respondent's operations over more than thirty years into the present and have found that at no time during this period has Respondent changed its fundamental objectives, or its nature and purpose. There are no protestations of repentance and reform; and, though Respondent continually points to its "disaffiliation" from the Communist International, for example, as a severance of its relationship with international Communism, a study of its pre-Act existence properly enabled us to adjudge that this was, at most, only a superficial act designed in the interest of domestic political expediency to circumvent adverse legislation (Voorhis Act).

It would have been unwarranted by law to compel Petitioner to restrict its proof to fragmentary evidence confined to a relatively minute portion of Respondent's existence, i. e., the two-month period between the passage of the Act and the filing of the petition. Our determination on this question is supported by the authorities. *United States v. Schneiderman, et al.*, 106 Fed. Supp. 892, 898-900; *United States v. Dennis, et al.*, 183 F. 2d 201, 231-32; *F. T. C. v. Cement Institute, et al.*, 333 U. S. 683, 704-706; *N. L. R. B. v. Pacific Greyhound Lines*, 91 F. 2d 458, 459.



The law assumes in the absence of proof to the contrary, which Respondent did not establish to our satisfaction, that a condition or set of facts shown not too remotely in the past (all circumstances considered) to have existed, still continues. In the circumstances here presented we do not consider that the passage of the Act, in and of itself, affects this presumption respecting Respondent. In addition thereto, the record contains ample post-Act evidence which, when illuminated, supports our finding.

It should be noted in the latter connection that Respondent further contends that there is insufficient post-Act evidence in the record to support the Panel's finding against it. As this contention is really part and parcel of the foregoing, we shall not consider it further.

Suffice to say, our finding herein, that Respondent is a Communist-action organization, is clearly supported by a preponderance of the probative evidence of record.

Respondent also takes the position that Petitioner is required to prove the existence of a world Communist movement having the characteristics described in Section 2 of the Act, and that it has failed to do so. It asserts the finding made by the Panel concerning the objective of the world Communist movement is irrelevant and unsupported by the evidence. In view of the fact that we have heretofore found on this record that a world Communist movement exists, substantially as described in Section 2 of the Act, it is unnecessary to discuss whether such a finding is required. The evidence stated in our findings on the world Communist movement<sup>1</sup> as well as the other findings in this report plainly establish the existence of an international Communist movement organized and directed by the Soviet Union, which conforms substantially to that described by the Congress in Section 2 of the Act. Respondent does not contend that there is more than one world Communist movement in existence and it is incorrect to state that the movement found herein is not sufficiently identified with that described in Section 2.

<sup>1</sup> Pp. 8 to 17, *supra*.

Throughout this proceeding Respondent has attached the constitutionality of the Act and has contended that it was being administered in an unconstitutional manner. As we have previously ruled, the constitutionality of the Act is not properly an issue before us; and we presume that the Act is constitutional. We shall, therefore, address Respondent, during the hearing, in its briefs, exceptions and supporting memorandum has persistently charged violations of the Bill of Rights of the Constitution. It contends that it violates the First Amendment to use as evidence, to base findings on, or to draw conclusions from its conduct and various statements relating to what it teaches in its schools, materials used in connection therewith such as books, study outlines and reading lists, statements by it or its leaders as contained in various publications including the *Daily Worker*, *Political Affairs*, and *For a Lasting Peace, for a People's Democracy* and the Marxist-Leninist Classics, and other important documents. On this basis it takes exception to statements in the Recommended Decision which, among others, are quotations from its various publications or Marxist-Leninist Classics, and to findings concerning the source, nature and content of Marxism-Leninism, the world Communist movement, its leader and its objective, as well as the finding that it is a Communist-action organization.

Respondent further contends that the various findings of the Recommended Decision together with the recommendation that the Board enter an order requiring it to register as a Communist-action organization violate the Fifth Amendment. As best we can ascertain, this contention, that due process of law has not been accorded it, has a dual aspect. The first is a corollary to Respondent's assertion that much of the evidence in this proceeding violates the First Amendment, and the other, that irrespective of this it is none the less violative of the Fifth Amendment to find against Respondent on this record. Moreover, Respondent argues that the testimony of Petitioner's witnesses who were "planted in the CPUS as FBI informers, should have been (sic) excluded under the First, Fourth, and Fifth Amendments."



Although it is extremely difficult in many instances to determine from Respondent's general allegations exactly the specific bases of its contention, we have reviewed these contentions with great care and have examined their many aspects as they apply to our report herein. We find that no violation of Respondent's constitutional rights has been committed in this proceeding. To adopt Respondent's theory of what comprises constitutionally protected conduct and expression would result in closing to Petitioner legal avenues of proof.

In conjunction with its contentions respecting violations of the Fifth Amendment we have also examined Respondent's general assertion, often repeated, that a fair and impartial hearing has not been accorded it. From our analysis of the record, we find that Respondent has been accorded a fair and impartial hearing, and a full measure of due process of law.

### CONCLUSION.

The evidence in this proceeding discloses the history and activities of the Communist Party of the United States (Respondent herein) over the period of its entire existence. From its inception in 1919, it has been a subsidiary and puppet of the Soviet Union.

Since the late 1930's, when it was faced with adverse legislation, Respondent has become increasingly diligent and resourceful in its efforts to appear as a domestic political party while continuing its subservience to the Soviet Union. Many of its practices were contrived to conceal its revolutionary objectives. Thus, it continues as an avowed Marxist-Leninist organization but, except to initiate, disclaims so much of Marxism-Leninism as would endanger its continued legal existence to espouse. As in the present proceeding, this frequently entails disavowing the core of Marxism-Leninism.

Consequently, Respondent is met with the dilemma of appearing to reject but yet maintain its reason for being. As our findings in this report reveal, this dual role is so fundamentally incongruous as to be incapable of fulfillment under scrutiny. It is so innate in Respondent's nature that

it seeks and accept Soviet Union direction and control that, in actuality, it does not function as the purely domestic political party whose role it would, *de jure*, assume. Rather, nurtured by the Soviet Union, it labors unstintingly to advance the world Communist movement.

With consummate patience, the Party strives for the establishment of a dictatorship of the proletariat in the United States; a goal which would rob the American people of the freedoms they have forged. While using the cloak of the United States Constitution, it struggles unremittingly to synthesize from the complexities of our time a condition in this country which would enable it to shackle our institutions and preside over a Soviet America, under the hegemony of the Soviet Union.

Upon the overwhelming weight of the evidence in this proceeding, we find that Respondent is substantially directed, dominated and controlled by the Soviet Union, which controls the world Communist movement referred to in Section 2 of the Act; and that Respondent operates primarily to advance the objectives of such world Communist movement.

Accordingly, we find that the Communist Party of the United States is a Communist-action organization and required to register as such with the Attorney General of the United States under Section 7 of the Act.

An appropriate order will be entered.

By the Board:

(Signed) PETER CAMPBELL BROWN, *Chairman*.

(Signed) KATHRYN McHALE, *Member*.

(Signed) WATSON B. MILLER, *Member*.

Dated: April 20, 1953, at Washington, D. C.

CODDAIRE, *Member*, (Concurring):

On the basis of the testimony, the documentary material, and the Recommended Decision, all of which I have carefully read and studied, I am fully in accord with and concur in the findings and in the determination that the Respondent herein, the Communist Party of the United States



of America, is a Communist-action organization under subsection (3) of Section 3 of the Act and required to register as such under Section 7. Since the Respondent has attempted by its briefs and arguments to eviscerate the Act and this proceeding, and since issues of far-reaching importance have been raised, I deem it desirable to set forth my understanding as to the nature and scope of the Board's Order issued herein. Proper understanding of the nature and scope of the Board's Report and Order does much to eliminate Respondent's contentions against the Act and the application of the Act to the Respondent.

The Subversive Activities Control Act of 1950 marks the beginning of a new stage in the development of public policy against un-American and subversive activities. The Board has been launched as a quasi-judicial agency for the carrying-out of the fact-finding and resultant adjudicatory aspects of a statutory scheme for, *inter alia*, identification of foreign dominated and foreign controlled organizations which operate in the United States primarily to carry out the evils found by Congress to be present in the world Communist movement.

Of particular importance are the facts that, in my opinion at least, registration proceedings before the Board are not criminal proceedings and reasonable registration in the public interest is not punishment. The result of the Board's order is not to outlaw the Communist Party nor is it punitive for past conduct. This proceeding is concerned solely with what amounts to the determination of a status. The order has, in effect, a forward-looking function aimed at registration or identification, as do many regulatory measures.

Respondent's main legal objections involve what it calls an improper use of pre-Act evidence, and a "built-in verdict" whereby under the Act the Board has no discretion other than to find as it has. These contentions, particularly when viewed against the nature and scope of the Board's Order as set forth above, are devoid of merit. The Board's Report treats with the question of pre-Act evidence and further elaboration is not necessary other

than to emphasize that it is clearly proper, in my opinion, to base the determination of a status, or of characteristics, upon past and current facts whose weight we have strictly weighed.

Regarding the many arguments advanced by the Respondent in connection with its "built-in verdict" contention, the short answer is that the facts which have been ascertained in our Report, as established upon the formal record made in this proceeding, clearly and unequivocally show the Respondent to be a Communist-action organization as defined in the Act. Although there is no need for the Board to express an opinion on the constitutional questions raised by the Respondent, and I do not presume to do so, I can see nothing illegal *per se* in that the proofs in this proceeding establish the Respondent to be characteristically just the type of organization which the registration provision of the Act cover.

(Signed) DAVID J. CODDAIRE, *Member.*

Dated: April 20th, 1953, at Washington, D. C.



## APPENDIX A.

## The Witnesses.

Twenty-two witnesses appeared for Petitioner, nineteen of whom were former members of Respondent. Three witnesses appeared for Respondent, all of whom are members of the CPUSA. The periods of membership appear in parentheses after the names of witnesses. An asterisk appears after the name of witnesses who joined or rejoined Respondent as a result of conference with the Federal Bureau of Investigation.

## Petitioner's Witnesses.

A. Petitioner's witnesses—formerly members of the Respondent:

BERENIECE BALDWIN\*: (1943-1952) Membership director of Party Club in 1943; delegate to Michigan State Communist Party Convention in 1944; handled registration and membership records for Michigan District in 1947-1948; secretary of Party Section 1947-1950.

JOHN VICTOR BLANC\*: (1934-1936; 1944-1949) Attended CPUSA schools in 1947 and 1948; dues secretary of Party Club in 1944; press and literature director for Party Club; organized and was chairman of Party Club 1947-1949; attended Ohio State Communist Party Convention in 1945, 1947 and 1948.

LOUIS FRANCIS BUDENZ: (1935-1945) Member, New York State Trade Union Committee, 1936-1937; labor editor of the *Daily Worker*, 1936-1937; member of Respondent's National Committee, 1936-1940; member of Illinois State Committee, 1937-1940; editor, *Midwest Daily Record*, 1937-1940; member of New York State Committee, 1940; president of Freedom of Press Company, Inc., 1940-1941; managing editor, *Daily Worker*, 1941-1945; alternate member, National Committee of Communist Political Association, 1944-1945.

PAUL CROUCH: (1927-1942) Member of Young Workers League; chairman, CPUSA National Anti-Military Commission, 1928; member, National Young Communist League Secretariat, 1929; editor of the *Young Worker*, 1929; delegate, CPUSA National Convention, 1929, 1934, 1936, 1938 and 1940; National Secretary, Anti-Imperialist League; instructor in various CPUSA schools; CPUSA organizer in various Districts and officer in various District organizations.

**WILLIAM GARFIELD CUMMINGS\***: (1943-1949) Press director, secretary, vice chairman, and chairman of Party Clubs; member, Ohio State Communist Party Committee; delegate to Ohio State Communist Party Convention, 1945 and 1948; delegate to CPUSA National Convention, 1948.

**TIMOTHY EVANS, JR.\***: (1948-1952) Chairman of Party Club; delegate to CPUSA regional convention in 1951; group leader and section educational director in 1951; assigned as "underground" member of CPUSA in summer 1951.

**BENJAMIN GITLOW**: (1919-1929) Helped organize Respondent in 1919; member of Labor Committee and National Committee of Communist Labor Party; member of Political Committee (governing body) for most of time as member of Respondent; member of Secretariat, 1927-1929; General Secretary, 1928-1929; member, Executive Committee of Red International Trade Union, 1928-1929; present at conferences in Moscow, 1927, 1928, 1929; member, Executive Committee of the Communist International, 1928-1929.

**BALMES HIDALGO\***: (1946-1949) Membership director of Party Club; financial secretary of Party Club; press director of Party Section; attended Party leadership school, 1947.

**NATHANIEL HONIG**: (1927-1939) Discussion leader in Party Unit; employed by *Daily Worker*; editor, *Timber Worker*, 1937-1938, also editor of *Labor Unity*, 1930-1934; attended CPUSA National Convention, 1929-1934; teacher at Lenin School in Moscow, 1934-1935; representative of Trade Union Unity League to Red International of Labor Unions (Profintern) in Moscow; managing editor of *Western Worker*, 1936-1937.

**JOHN EDWARD JANOWITZ\***: 1943-1952 Member of various Party Clubs and Shop Units; alternate delegate to CPUSA Ohio State Convention, 1950.

**MANNING JOHNSON**: 1930-1940) CPUSA district organizer and district Agitation and Propaganda director; National Negro organizer for Trade Union Unity League; member, CPUSA National Committee Trade Union Commission; member, Negro Commission of National Committee; member, CPUSA National Committee, 1936-1938; student at CPUSA schools.

**JOSEPH KORNFEDER**: (1919-1934) Helped organize Respondent in 1919; Branch organizer, 1919-1920; member, Central Committee, 1920-1924 and 1926-1928; labor union activities director, 1921-1922; eastern area director, 1920-1927; member, district committee and district bureau of



Ohio, 1932-1934; general secretary, Trade Union Unity Council of New York; member, district bureaus and district committees; attended Lenin School in Moscow 1927-1930; Communist International representative in South America, 1930 and 1931.

JOHN LAUTNER: (1929-1950) District Secretary of CPUSA National Hungarian Bureau in various States during 1930-1941; organizer in CPUSA sections and districts 1933 and 1936; director, CPUSA National Training School for Hungarian members, 1932; head of New York State Communist Party Review Commission, Fall 1947; member of CPUSA National Review Commission and in charge of security for New York State Party, 1948-1950.

MARY STALCUP MARKWARD\*: (1943-1949) Chairman, Party Club in 1944; membership director and treasurer for City of Washington, 1944; City Committee for Washington, D. C., 1945; member, District Committee, 1945 and 1948; visitor at Party National Convention in 1944.

HARVEY M. MATUSOW: (1947-1951) Member of various Party youth clubs; employee of Jefferson School and manager of Camp Unity Book Store in 1948; Press Literature and Educational director of youth club, 1948-1949; employed at New York County Party headquarters in 1949; acting National Literature Director of the Labor Youth League and member, N. Y. State Executive Committee of the League during 1949 and early 1950; State literature director, New York Labor Youth League.

FRANK STRAUS MEYER: (1934-1945) Transferred from British Communist Party; worked in Paris for British Communist Party in 1934; associated with British Young Communist League's Secretariat of the Central Committee; active in youth work in United States and Canada while a member of CPUSA; Area secretary, youth section, American League Against War and Fascism; Educational Director of Party Section, 1935-1937; Director, Chicago Workers' School and District Educational Director, 1938-1941; District Membership Director and Assistant Organizational Secretary, 1941-1942; instructor at Jefferson School, 1944.

WILLIAM ODELL NOWELL: (1929-1936) Student, instructor, and director in Communist Party School in Detroit, Michigan; member and secretary of District Negro Commission, 1929; member of Michigan District Bureau and District Secretariat, 1930; member and later President of the Detroit Chapter of the Anti-Imperialist League, 1929; member, International Labor Defense, 1929; organizer, American Negro Labor Congress, 1929; Communist Party organ-

izer in Auto Workers Union and Union representative to founding convention of Trade Union Unity League, 1929; manager, Workers' Book Store, Detroit, 1930; circulation manager of *Daily Worker* and Education Director in Michigan District; attended Lenin School, Moscow, 1931; Communist Party delegate to a celebration of Russian Revolution in Moscow, 1929; representative of Trade Union Unity League to Profintern.

HERBERT A. PHILBRICK\*: (1944(1949) Joined Massachusetts Youth Council in 1940 and was later chairman; joined Young Communist League in 1942 and American Youth for Democracy in 1943; member, Communist Party. State Education Commission of Massachusetts; chairman, Massachusetts Communist Party leaflet production; alternate delegate, Massachusetts Communist Political Association Convention, 1945; State treasurer, American Youth for Democracy, 1943-1945; Cell Organizer, 1944; attended Communist Party Training School, 1945; District Educational Director, 1947; Professional Group Literature Director, 1947-1949.

DANIEL SCARLETTO\*: (1947-1952) Member of various Communist Party Clubs in 1947-1948; Press Director, El Sereno Club, 1948; Club organizational secretary, Mexican Concentration Club, 1948-1951; transferred to "underground" January 1951.

B. Petitioner's witnesses—never members of or connected with Respondent.

JOHN W. CARRINGTON: Clerk of the Un-American Activities Committee of the House of Representatives. This witness was subpoenaed by the Attorney General in this proceeding to produce and authenticate, in his official capacity, certain documents from the files of the House Un-American Activities Committee.

ALEXANDER LOGOFET: Born and educated in Russia. Formerly employed by the Czarist government. Presently Russian interpreter for International Conferences for the Department of State. This witness was subpoenaed by the Attorney General in the instant proceeding to translate a document in the Russian language. (Exhibit No. 3).

PHILIP E. MOSELY: Director of the Russian Institute; Professor of International Relations, Columbia University. Dr. Mosely testified as an expert for the Attorney General in regard to the allegations of the Petition under Section 13(e)(2) of the Act.